

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNIVERSAL TRUCKLOAD, INC.,)	CASE NO.: 2:22-CV-10988
)	
Plaintiff,)	JUDGE BERNARD A. FRIEDMAN
)	
v.)	<u>NOTICE OF FILING DEPOSITION</u>
)	<u>TRANSCRIPT OF RON PAYSEUR</u>
JOSEPH BRIDGE,)	
)	
Defendant.)	

Notice is hereby given that Defendant Joseph Bridge is filing the transcript of the deposition of Ron Payseur, which was taken on Monday, February 20, 2023.

Respectfully submitted,

s/ Joseph N. Gross

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CERTIFICATE OF SERVICE

A copy of the foregoing was filed and served electronically on March 6, 2023, via the Court's electronic filing system. Notice of this filing will be sent by operation of the Court's system. Parties may access this filing through the Court's system.

s/Joseph N. Gross
JOSEPH N. GROSS
One of the Attorneys for
Defendant Joseph Bridge

1 UNITED STATES DISTRICT COURT

2 FOR THE

3 EASTERN DISTRICT OF MICHIGAN

4 _____
5 UNIVERSAL TRUCKLOAD, INC.,

6 Plaintiff,

7 v.

Civil Action No.

8 JOSEPH BRIDGE,

2:22-CV-10988

9 Defendant.
10 _____

11 VIDEOCONFERENCE DEPOSITION OF

12 RON PAYSEUR

13 DATE: Monday, February 20, 2023

14 TIME: 1:18 p.m.

15 LOCATION: Remote Proceeding

16 Cleveland, Ohio 44114

17 REPORTED BY: Marianne Hissong, Notary Public

18 JOB NO.: 5756922
19
20
21
22
23
24
25

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF UNIVERSAL TRUCKLOAD, INC., AND
RON PAYSEUR:

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ALSO PRESENT:

Joseph Bridge, Defendant (by videoconference)

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By Mr. Gilliam	74

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit A	Instructions/Document Production	9
Exhibit B	Verified Amended Complaint for Injunctive and Other Relief	21
	(Exhibits retained by counsel.)	

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NO.	DESCRIPTION	PAGE
1	Documents Responsive to Request Number 4	19

P R O C E E D I N G S

THE REPORTER: Good afternoon. My name is Marianne Hissong; I am the reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 1:18 p.m.

This is the deposition of Ronald Payseur taken in the matter of Universal Truckload, Inc. vs. Joseph Bridge on February 20, 2023, remote via Zoom.

I am a notary authorized to take acknowledgments and administer oaths in Ohio. Parties agree that I will swear in the witness remotely.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same manner as a deposition recorded by stenographic means; and

- shall constitute written stipulation of such.

At this time will everyone in

1 attendance please identify yourself for the record,
2 beginning with the witness.

3 MR. PAYSEUR: Ronald Payseur.

4 MR. GILLIAM: John Gilliam on behalf of
5 Plaintiff and for Mr. Payseur for his deposition.

6 MR. JACKSON: Thomas Jackson on behalf
7 of Defendant.

8 THE REPORTER: Thank you. Hearing --

9 MR. BRIDGE: Joseph Bridge.

10 THE REPORTER: Hearing no objection I
11 will now swear in the witness.

12 Mr. Payseur, will you please raise your
13 right hand?

14 WHEREUPON,

15 RON PAYSEUR,
16 called as a witness, and having been first duly sworn
17 to tell the truth, the whole truth, and nothing but
18 the truth, was examined and testified as follows:

19 THE REPORTER: On the record.

20 MR. JACKSON: Okay. Thanks so much,
21 Marianne, for the introduction.

22 EXAMINATION

23 BY MR. JACKSON:

24 Q Mr. Payseur, how are you?

25 A Good. How about you?

1 Q I'm good. As you probably just heard when I
2 said my name for the record, I'm Thomas Jackson. I'm
3 one of the defendants in this case -- for Defendant
4 Joseph Bridge who's also on the call with us. So we
5 are taking your deposition on the record today. Have
6 you been deposed before?

7 A Have -- please.

8 Q Have you ever been deposed before?

9 A One time. Years ago.

10 Q Okay. So you kind of understand how this
11 works. I ask questions. You answer. You're sworn to
12 tell the truth. Is that correct?

13 A Yes.

14 Q Okay. And as Marianne mentioned before we
15 went on the record, we are experiencing a bit of
16 technical difficulty with the connection, so she may
17 interrupt and have to stop the proceeding. I just
18 want to put that on the record. Okay?

19 A Okay.

20 Q She also explained to us that this is being
21 transcribed by her via Zoom, so over videoconference.
22 It's also being recorded as her audio backup, but it
23 is not being recorded via video.

24 Do you have counsel representing you during
25 this deposition, Mr. Payseur?

1 A Yes. Mr. Gilliam.

2 Q Okay. And could you spell your name for the
3 record?

4 A Sure. Ronald. And then P as in Peter, A-Y,
5 S as in Sam, E-U-R.

6 Q Okay. Thank you. And as part of
7 Mr. Gilliam's representation of you, he may object at
8 any time, but you still need to answer my question.
9 Okay?

10 A All right.

11 Q That is unless he objects based on some sort
12 of privilege. Okay?

13 A Okay.

14 Q Am I coming through clearly? I just want to
15 make sure I'm coming through.

16 A For the most part, but when you start and --
17 when you restart, that's where the breakup is. The
18 same thing with the -- the court -- when she starts,
19 it takes a few words before it actually comes out.

20 Q Okay.

21 MR. JACKSON: Marianne, are you still
22 good, getting the record? Okay. Feel free to stop us
23 if not.

24 BY MR. JACKSON:

25 Q Also another thing, Mr. Payseur, while we're

1 conducting this -- I don't plan for this to go on very
2 long -- but you can take a break at any time. If you
3 do need a break, you just let me know or let your
4 counsel, Mr. Gilliam, know, and we'll take a break.
5 Okay?

6 A Sure. Thank you.

7 Q Okay. Are there any reasons why you can't
8 testify fully and truthfully for us today?

9 A No.

10 Q I'm sorry. I didn't catch that.

11 A No. There's not.

12 Q Okay. Are you taking any medications that
13 might affect your ability to testify truthfully and
14 fully today?

15 A No.

16 Q Okay. You mentioned earlier that you have
17 been deposed once. Was that in a litigation? Was it
18 in another type of matter? Could you explain that for
19 us?

20 A It was in a litigation.

21 Q Okay. What type of litigation? What was
22 the issue?

23 A I'm not at liberty to discuss that.

24 Q Okay. That's fair.

25 THE REPORTER: I'm sorry. I did not

1 catch that answer from Mr. Payseur.

2 THE WITNESS: No. Just that I'm not at
3 liberty to discuss that case.

4 THE REPORTER: Thank you.

5 MR. JACKSON: Okay. Understood.

6 Marianne, I'm going to go a little bit
7 slower so I make sure I'm coming through. Okay?

8 I'm going to put up an exhibit that
9 I'll mark Exhibit A. Going to share my screen.

10 (Exhibit A was marked for
11 identification.)

12 Okay. Can everybody see my screen?

13 BY MR. JACKSON:

14 Q Mr. Payseur, can you see my screen?

15 A -- virtual connectivity interruption --

16 Q Okay. Do you recognize this document,
17 Mr. Payseur?

18 A Yes. This is the one I received last week.

19 Q Okay. And have you reviewed this document?

20 A Somewhat. Yes.

21 Q You say, "Somewhat." What would you mean by
22 "somewhat"?

23 A I mean I have read it.

24 Q Okay. And that first document -- I'll go
25 back up to the top because this is a PDF of multiple

1 documents. The first document right here is addressed
2 to you, correct?

3 A Yes. That is.

4 Q Okay. It says "Subpoena to Testify at a
5 Deposition in a Civil Action." I'm going to scroll
6 down so you can read Exhibit A to the subpoena. Did
7 you review this part of the subpoena, Mr. Payseur?

8 A Let me take a look at the hard copy.

9 Q Okay. You have it with you?

10 A Exhibit A. Yes. I am familiar with that.

11 Q Okay. And on Exhibit A, did you review --
12 I'm turning over to page 3 of that exhibit. Did you
13 review the documents to be produced?

14 A Yes. I did.

15 Q You say you guess you did. Is that a
16 definitive --

17 A No. I said -- yes. I did.

18 Q Okay. Sorry. That came --

19 A Yeah.

20 Q That came through sounding like -- I
21 apologize. Did not want to put words in your mouth,
22 so sorry.

23 A No. That's ...

24 Q Okay. Regarding this first request here, do
25 you see that? Number 1.

1 A I do.

2 Q Okay. Any communications between you and
3 Universal or any other persons regarding Universal's
4 business relationship with West Marine from May 1,
5 2020, to the present. Do you understand what is
6 referred to by Universal here?

7 A Yes. I do.

8 Q Okay. And who or what is Universal?

9 A Well, Universal is a division of Universal
10 Logistics Holdings, which was the truckload version or
11 division, if you will.

12 Q Okay. And do you recognize West Marine? Do
13 you know what West Marine is here?

14 A I do.

15 Q Okay. And what is West Marine?

16 A It's a retail -- aquatic retailer that we
17 actually do some business with.

18 Q Okay. And you understand that you're
19 here -- this subpoena was served on you due to
20 Universal's -- well --

21 THE WITNESS: You know what?

22 MR. JACKSON: Oh. Go ahead.

23 THE WITNESS: I'm --

24 MR. JACKSON: I'm sorry.

25 THE WITNESS: I -- I need to take a

1 one-minute break because I'm expecting a -- a package
2 from Safety that I've got to sign for real quick.

3 MR. JACKSON: Okay. We'll take a
4 break.

5 THE WITNESS: I'll be right back.

6 THE REPORTER: Off the record at 1:28.

7 (Off the record.)

8 THE REPORTER: Back on the record at
9 1:28.

10 MR. JACKSON: Okay. Yeah. No problem,
11 Mr. Payseur. We're --

12 THE WITNESS: Yes.

13 MR. JACKSON: We're allowed to do that
14 at any time, so we just had a very brief break for
15 your to check on that package.

16 BY MR. JACKSON:

17 Q So going back, I was asking you about your
18 familiarity with what West Marine is here in this
19 first request for a document on your subpoena,
20 Exhibit A.

21 A Correct. Yeah. Like we were discussing,
22 they're an aquatic retailer that we deliver to their
23 stores.

24 Q Okay.

25 A The product to their stores.

1 Q Got it. And for the subpoena, you
2 understand, and it's referred to up here, up further
3 to the top of Exhibit A, that Mr. Mark Limback, who is
4 the president of UACL Logistics, LLC, he identified
5 you as an agent of Universal Truckload who is or was
6 involved with the business relationship between
7 Universal and West Marine, one of his customers. Did
8 you see that?

9 A I did not, I don't think.

10 Q Okay. It should be on page -- the first
11 page of that Exhibit A, paragraph 2.

12 A Oh. Yeah. Yes. I am familiar with that.
13 I'm sorry. Yeah.

14 Q Okay. And would you agree that you were an
15 agent of Universal Truckload, Inc., that was involved
16 with the -- or is or was involved in the business
17 relationship between Universal and West Marine?

18 A Yes. Correct.

19 Q Okay. So back to this request on page 3 of
20 that exhibit, if you can get back there for me.

21 A Okay.

22 Q In response to that Number 1, did you have
23 any other communications requested by Request
24 Number 1?

25 A No.

1 Q Okay. Did you review any of your files to
2 see if you had any documents responsive to that
3 Request Number 1?

4 A Yes. I did.

5 Q Okay. And you determined that you did not,
6 correct?

7 A That is correct.

8 Q Okay. What about Number 2 here? And I will
9 read it. Request Number 2 asks for any communications
10 between you and West Marine or any other persons
11 regarding Universal's business relationship with West
12 Marine from May 1, 2020, to the present. Do you see
13 that?

14 A Yes. I see that.

15 Q Okay. And do you --

16 A I have -- I beg your pardon.

17 Q I'm sorry. You go ahead. Please go ahead.

18 A Oh, no. I have not had any communication.

19 Q Okay. Did you review any of your files for
20 any such communications requested by Request Number 2?

21 A Yes. Yes. I did.

22 Q Okay. And you determined that you did not
23 have any?

24 A Correct.

25 Q Okay. I'm going to go down to Number 3

1 here, and I'll read the Request Number 3. It asks for
2 any communications between you and West Marine or any
3 other persons regarding Bridge from January 1, 2021,
4 to the present. Is that right?

5 A That is correct. No communication.

6 Q Okay. Do you know what "Bridge" means here?

7 A Yes. I do.

8 Q Okay. And what does that mean? What is
9 that referring to?

10 A At one point Joe was an agent -- Mr. Bridge
11 was an agent and then promoted to a -- a company
12 position within our company.

13 Q Okay. I'm just asking, but you understand
14 that to identify Mr. Joe Bridge who is with us today.
15 Correct?

16 A Yes. Correct.

17 Q Okay. And did you have any communications
18 requested by Request Number 3?

19 A No. No communication.

20 Q Okay. Did you review your files for any of
21 those requested communications?

22 A Yes.

23 Q And you determined that you do not have any?

24 A Correct.

25 Q Okay. Going down to Request Number 4 here.

1 Request Number 4 asks for all documents and records of
2 your agency relating to Universal's business
3 relationship with West Marine from May 1, 2020, to the
4 present. Do you see that?

5 A I do.

6 Q This asks for your agency. What is your
7 agency, Mr. Payseur?

8 A You know what? It tailed off at the end.
9 Could you repeat that, please?

10 Q Sure. You see here where it asks for all
11 documents and records of your agency?

12 A Mm-hmm.

13 Q Could you tell us what your agency is?

14 A My -- well, my particular agency is 1978.

15 Q Okay. That's a number. Is that
16 identification number?

17 A It is. Correct.

18 Q Okay. When you say, "agency," do you have a
19 business that you run as an agency?

20 A It -- yes.

21 Q And what is that business name?

22 A The -- oh. The business name is Lakewood
23 Fast Freight.

24 Q Okay.

25 MR. GILLIAM: I didn't catch that.

1 Could you repeat it, please?

2 MR. JACKSON: Sure, John. I was asking
3 him what's the business name --

4 MR. GILLIAM: Oh. No. I heard that.
5 Just his answer cut out.

6 MR. JACKSON: Oh. Sorry.

7 THE WITNESS: It was -- yeah. I can
8 repeat that. It's Lakewood Fast Freight.

9 MR. GILLIAM: Thank you.

10 MR. JACKSON: Got it.

11 THE WITNESS: No problem.

12 BY MR. JACKSON:

13 Q And do you have any of the documents and
14 records requested by Request Number 4, Mr. Payseur?

15 A The only thing that I can think of are
16 various items on spreadsheets over the -- a period of
17 time but no documents.

18 Q You say, "spreadsheets." Do you consider
19 those to be documents, like, tangible documents that
20 you could search for?

21 A Not really because it's jumbled up. We
22 don't keep any of the actual physical documents. The
23 documents go directly from the driver to the corporate
24 office.

25 Q Okay. Could you describe to me what those

1 spreadsheets are? Because I'm just going to go up to
2 the second page here of exhibit.

3 A Yeah. We -- it's kind of a -- it's a
4 two-phase thing. One is operational. We keep track
5 of who's working, where they are, what loads they're
6 under. And then there's a section where we break it
7 apart for -- just so we can keep track of their
8 productivity, so it's a line item of each driver and
9 what they're doing on a particular day.

10 Q Okay. In this Exhibit A where it says -- do
11 you see on my screen -- this should be the second page
12 of Exhibit A, this paragraph, Number 9, here that says
13 "Documents." Do you see that?

14 A Okay. It's a lengthy list, but I do see the
15 list.

16 Q Okay. Do the spreadsheets that you're
17 referring to, do they fall into any of the categories
18 listed here for documents?

19 A No. They do not.

20 Q Okay. And why is that not the case?

21 A Because we don't itemize it or -- what's a
22 good word for it? It's not in a format that you would
23 ever be able to pick out any of this -- any of the
24 information that would be normally in these documents.

25 Q Okay. If it's a spreadsheet -- I'm just

1 trying to understand what the spreadsheet is. It's
2 not, like, an Excel spreadsheet, or it's not something
3 that you could print off or send via e-mail?

4 A It -- it's -- correct. Well, it -- it's a
5 shared spreadsheet that we do within the office, but
6 it's really just for operational -- operation
7 functions, I guess, if you will.

8 Q Okay. Do you know, who does that
9 spreadsheet belong to? Who has custody of that
10 spreadsheet?

11 A The three of us in the office.

12 Q The three -- the three of you in your
13 agency's office or Universal's office?

14 A In our office. Universal does not -- it --
15 it doesn't pertain to them, so it's just the three of
16 us. Tony Dinallo, who you -- you spoke to the other
17 day, he has an assistant, and then me.

18 Q Okay. I'm just going to put a request down
19 on the record for whatever that document is since you
20 indicated that it would be responsive to Number 4, but
21 we haven't seen it. So we might need to have some of
22 our IT professionals see what document that is, and
23 we'll make a request for that on the record.

24 MR. JACKSON: John, do you need me to
25 make a formal request in writing, or shall we

1 acknowledge that on the record?

2 MR. GILLIAM: Well, I think he said
3 that it doesn't pertain.

4 Right?

5 THE WITNESS: It -- correct. It's --
6 it's information about -- there's nothing about your
7 client that would be in that spreadsheet other than
8 the occasional line item.

9 MR. JACKSON: Okay.

10 MR. GILLIAM: Okay. So we can --

11 MR. JACKSON: That --

12 MR. GILLIAM: We can take a look at it
13 and see. We don't need a formal request. We can just
14 address that this week.

15 MR. JACKSON: Okay. Yeah.

16 BY MR. JACKSON:

17 Q And, Mr. Payseur, I wasn't -- I thought you
18 said when I asked about Number 4 -- I thought your
19 testimony, the only thing is -- would be that
20 spreadsheet. I don't want to put words in your mouth
21 or anything. That's the only reason I was asking
22 about it. If it does not --

23 A No. I --

24 Q Go ahead.

25 A No. I understand.

1 Q Okay. Yeah. If it flatly does not relate
2 to Number 4 in any way, then we don't need it. But if
3 there's something about the request of Number 4 that
4 it would be responsive to, we would like to see it.
5 So I'll just make that known for the record. But
6 okay. Enough on that point.

7 I want to go down further in this subpoena.
8 Did you see Exhibit B to your subpoena, Mr. Payseur?

9 (Exhibit B was marked for
10 identification.)

11 A I did. Let me see. Yes.

12 Q Okay. And can you tell us what that
13 Exhibit B is to that subpoena?

14 A It looks like -- I'm not -- I don't know how
15 to describe it. I -- I'm not sure exactly. I mean,
16 it's naming some people, the plaintiff and the
17 defendant.

18 Q Okay. What does it say at the bottom?

19 A And the case number.

20 Q What does it --

21 A I beg your pardon.

22 Q What does it say at the bottom of that first
23 page there?

24 A Sure. "Verified Amended Complaint for
25 Injunctive and Other Relief."

1 Q Okay. Fair to say that that's the title of
2 this document?

3 A Okay.

4 MR. GILLIAM: Object to foundation.
5 You can answer, sir.

6 THE WITNESS: I'm not sure what -- if
7 there was a question there.

8 BY MR. JACKSON:

9 Q Would you agree that this -- what you just
10 read here, "Verified Amended Complaint for Injunctive
11 and Other Relief," that that's the title of this
12 document?

13 A It appears to be, but I'm not qualified to
14 make that judgment.

15 Q Okay. Did you review this document,
16 Mr. Payseur?

17 A Yes. I did.

18 Q Okay. All the way through? Its entirety?

19 A I did review this.

20 Q Okay. And if you go down to further in that
21 document, Exhibit B, which is the verified amended
22 complaint, did you see a page that said "Index of
23 Exhibits" that I have up on my screen here?

24 A Hold on one second.

25 Q Yeah. Take your time.

1 A Could you tell me what page that would be?

2 Q It does not have a page number on it. It
3 would be after page 14.

4 A Okay. I see 13. Oh, yes. Okay.

5 Q You with me?

6 A I beg your pardon.

7 Q I said, are you with me? You there?

8 A Yes. Yes. I'm on that page.

9 Q Okay. There's a list of six exhibits right
10 here. Did you review those exhibits in your review of
11 this Exhibit B?

12 A Not really.

13 Q Okay. Did you or did you not review
14 Exhibit 1 entitled "Confidentiality and
15 Non-solicitation Agreement"?

16 A I did not.

17 Q Okay. Did you review Exhibit 2 entitled
18 "March 11, 2016, Offer Letter"?

19 A I did.

20 Q Okay. Did you review Exhibit 3 entitled
21 "November 5, 2021, Final Notice Legal Demand"?

22 A Yes. I did.

23 Q Okay. Did you review Exhibit 4 entitled
24 "March 14, 2022, Letter Regarding Violation of
25 Confidentiality and Non-solicitation Agreement"?

1 A I did not.

2 Q Okay. Did you review Exhibit 5 entitled
3 "Bridge Response Letter, March 18, 2022"?

4 A I did not.

5 Q Okay. Did you review Exhibit 6 entitled
6 "Universal Truckload Response Letter, March 28, 2022"?

7 A I did not.

8 Q Okay. Okay. I was just scrolling down
9 further in the document that I have up as Exhibit A.
10 Give me just a second.

11 Mr. Payseur, do you see this document that's
12 on my screen right now?

13 A Yes. That's the -- yes. I do. I have it.

14 Q Okay. Can you tell me what this document
15 is?

16 A "Subpoena to Testify at a Deposition in a
17 Civil Action."

18 Q Okay. And who is it directed to?

19 A Me, I guess. Is that what the next line is?

20 Q What does the next line -- what does this
21 line say?

22 A To Ronald Payseur. Or Ron Payseur.

23 Q Is there anything in front of Ron Payseur?
24 I just want to make sure you see what I see on my
25 screen.

1 A Just -- no. Just -- just the word "to,"
2 T-O, and then a colon. And Ron Payseur, 66 Lakewood
3 Drive, Denville, New Jersey.

4 Q Can you see my screen, Mr. Payseur?

5 A Somewhat. Yes.

6 Q I'm going to --

7 A I can -- I see it. That's a little better,
8 actually. Okay.

9 Q Okay. Can you see this better now?

10 A Yes.

11 Q Who is this subpoena directed to?

12 A That's different than mine.

13 Q Well, on my screen. You can -- because if
14 you don't -- this one --

15 A Yeah. No. That's -- that's to Lakewood
16 Fast Freight, which would be the entity that I
17 mentioned before.

18 Q Okay. Yeah. That's all I wanted to
19 understand. Do you have this hard --

20 A Oh, okay.

21 Q Do you have that hard copy with you or no?

22 A I didn't see it, actually, but I didn't look
23 for it either. I do not have that.

24 Q Do you remember receiving this document?

25 A I do not. That's the first I've seen of

1 that.

2 Q Okay. Give me just a second. I'm going to
3 pull up another document here. Hold on.

4 A Sure.

5 Q Okay. Thanks for your patience,
6 Mr. Payseur. I'm not going to bring up another
7 document. You did not receive what is on your screen,
8 is your testimony, correct?

9 A Yes. Correct.

10 Q Okay. Okay. Aside from what we just went
11 through, the subpoena to you, did you review any other
12 documents in preparation for this deposition?

13 A No. I did not.

14 Q Okay. Did you speak with anyone in
15 preparation for this deposition?

16 A Just Mr. Gilliam.

17 Q Okay. And when did you meet with
18 Mr. Gilliam?

19 A This -- this morning.

20 Q Okay. All right. Just got a few questions
21 to get to know about you a little bit. Did you attend
22 college, Mr. Payseur?

23 A Yes.

24 Q And what college was that?

25 A Central Piedmont. It was a community

1 college back in the 1970s.

2 Q Okay. Does it still exist?

3 A I believe it does.

4 Q Okay. And did you graduate from Central
5 Piedmont?

6 A I did not.

7 Q Okay. What years did you attend?

8 A Probably 1977 through '78.

9 Q Okay. Just a brief time. What did you
10 study during your time there?

11 A Business and economics.

12 Q Okay. And you did not graduate, so you -- I
13 assume you left -- you just left Central Piedmont?

14 A Correct. Yes.

15 Q Did you re-enroll in college elsewhere at
16 any time?

17 A Yes. I did. Later in adulthood I took some
18 courses at Morris County Community College here in New
19 Jersey.

20 Q Okay. And you say you took some courses.
21 Did that culminate in a degree or certification?

22 A It did not.

23 Q Okay. What years did you attend Morris
24 County?

25 A You know, I would be speculating. I -- I

1 don't remember exactly.

2 Q That's fine. Do you remember what you
3 studied there?

4 A The same thing. Business.

5 Q Got it. Have you had any other professional
6 education of any sort?

7 A Could you define that?

8 Q Yeah. Have you taken any other -- even
9 outside of college -- any other training courses?

10 A Oh, yeah.

11 Q Whether that be through military, through
12 your work, things like that.

13 A Various jobs. Yes. Like, sales and
14 marketing, primarily.

15 Q Okay. Is it fair to say that those courses
16 just would've been, you know, courses you take with
17 your employment, wherever you were working?

18 A Yes.

19 Q Okay. Did you attend any vocational or
20 trade school?

21 A No. I have not.

22 Q Okay. Do you hold any specific licenses,
23 degrees, or other type of professional certificates?

24 A I am a licensed real estate agent in New
25 Jersey.

1 Q Okay. And how long have you been licensed?

2 A I'm going to say seven years.

3 Q Okay. Do you use that license today?

4 A I do not.

5 Q Okay. When did you stop engaging in that
6 business?

7 A Well, I really never engaged in it. The
8 reason I got my license, my oldest daughter, when she
9 graduated college, she got her real estate license,
10 and I got mine just to help her with open houses and
11 for safety. I didn't want her to be out and about in
12 -- in dangerous places. And so I got my license just
13 so I could help her.

14 Q Okay. That's beautiful. My dad would never
15 do that for me. Just good riddance. So he's like,
16 "I'm not going there." Okay. And are you currently
17 employed, Mr. Payseur?

18 A Well, I'm an independent agent with
19 Universal, you know, through Lakewood Fast Freight and
20 Universal.

21 Q Okay. And who owns Lakewood Fast Freight?

22 A I do.

23 Q Okay. But you don't employ yourself.

24 A Correct. It's a sole proprietor.

25 Q Got it. And you are the sole proprietor?

1 A I am.

2 Q Okay. So, like, is that contractor
3 relationship with Universal, is that -- I won't say
4 employment because it's not employment. Is that the
5 only work you're doing right now, today?

6 A Yes. Correct.

7 Q Okay. And how long have you been in that
8 relationship with Universal?

9 A I believe since February of 1998.

10 Q That's a long time. And you characterize
11 yourself as just an agent contractor for Universal?

12 A Correct.

13 Q Okay. What did you do before you started
14 doing that in 1998?

15 A I owned my own trucking company and
16 dissolved the operational part and became an agent.

17 Q Okay. And what was that company's name?

18 A Payseur -- after my last name -- Motor
19 Express.

20 Q Okay. And what type of business was that?

21 A That was local trucking.

22 Q Okay. By local, you mean --

23 A In the New York Metro. New York Metro.

24 Q Okay. Is that fair to say kind of the
25 tri-state area, New York, New Jersey, Connecticut?

1 A Yes. That would be accurate.

2 Q Okay. And how long did you operate that
3 business?

4 A Probably about five years. Oh. Actually I
5 told you the wrong date. I became a Universal agent
6 in 2009. I'm sorry.

7 Q No. That's fine. We'll walk it back.

8 A I knew something didn't sound ...

9 Q That's perfectly fine. We'll walk that back
10 a little bit. So 2009 you started doing what you
11 continue to do today; is that correct?

12 A Yes. Correct.

13 Q Okay. Prior to that, prior to 2009, what
14 were you doing?

15 A Prior to that I did have my own trucking
16 company from about -- right. From about 2000 to 2008,
17 right up until I merged --

18 Q Okay. And was that same company you
19 identified, Payseur Motor?

20 A Correct. Yes. It is.

21 Q Okay. Before 2000 what did you do?

22 A I was a -- a company employee for other
23 trucking companies.

24 Q Okay. How many companies?

25 A Two. Just prior was one, and then before

1 that, another.

2 Q Do you remember their names?

3 A I do. The -- the earliest was Heartland
4 Express.

5 Q Okay. And how long were you at -- did you
6 say, "Hartley"?

7 A No. Heartland.

8 Q Heartland. Okay. How long were you at
9 Heartland?

10 A That goes way back, but I'm going to say
11 five years.

12 Q Okay. And what was your job role there?

13 A Regional sales manager.

14 Q Okay. And what type of business was
15 Heartland -- or is Heartland?

16 A That is an over-the-road trucking company.

17 Q What do you mean by "over the road"?

18 A Well, I guess a better terminology -- a full
19 truckload carrier. They did not do less than
20 truckload. They did full truckloads.

21 Q Okay. So I'm understanding, does that mean
22 they would not carry, you know, a half trailer or an
23 empty trailer? It has to be, you know, pretty filled
24 out?

25 A Correct. Correct.

1 Q Okay. Okay. And what did you do in that
2 job role at Heartland?

3 A Business development, primarily in the
4 northeast.

5 Q Okay. And before Heartland -- so you say
6 five years you were at Heartland? Is that taking us
7 back to 1995? When you started.

8 A Yes. It would be.

9 Q Okay. Prior to that where were you at that
10 second company?

11 A Well, the other company, Interstate
12 Distributor, was after Heartland and then up until I
13 started my own company.

14 Q Oh, okay. We have them flip-flopped. So --

15 A Yes.

16 Q You worked at Interstate, is the company --

17 A Interstate Distributor.

18 Q Interstate Distributor. So what type of
19 business is that?

20 A That was over-the-road, full truckload
21 trucking.

22 Q Got it. Same as Heartland?

23 A Correct.

24 Q Okay. And what was your job title there?

25 A At that point I was a regional sales manager

1 there as well.

2 Q Okay. And what did that entail?

3 A Actually at one point I had -- when I left I
4 actually had the title of regional vice president of
5 sales.

6 Q Okay. So that --

7 A And that was -- yeah. It was -- within the
8 northeast.

9 MR. GILLIAM: I'm sorry.

10 MR. JACKSON: Okay.

11 MR. GILLIAM: It cut out on me.

12 Ron, could you say your answer again,
13 please?

14 THE WITNESS: From -- from where?

15 MR. GILLIAM: Your last answer.

16 THE WITNESS: The -- the last answer, I
17 was with Interstate Distributor, a regional sales
18 manager, and at one point made it to regional sales
19 vice president.

20 BY MR. JACKSON:

21 Q Got it. And did that job role, did that
22 involve, you know, business development similar to
23 Heartland?

24 A It did.

25 Q Okay. Can you give me the dates when you

1 were at Interstate Distributors? If you remember.

2 A I'm going to say 2000 to 2004.

3 Q Okay. Was that contemporaneous with you
4 owning your own company, Payseur?

5 A I'm sorry. Was that what with owning?

6 Q Was that contemporaneous, at the same time,
7 simultaneous with you operating your trucking company?

8 A No. No. No. I left -- I left Interstate
9 to start my trucking company.

10 Q Okay. Because I'm just trying to make sure
11 I have your -- and I don't want to get it wrong.

12 A Yeah. No.

13 Q I have you --

14 A That's -- that's --

15 Q I have you running your trucking -- running
16 your own trucking company from about 2000 to 2008. Is
17 that right?

18 A No. I -- I was with Interstate Distributor
19 from about 2000 to 2004 or so, I believe, and then my
20 own company for the next four years.

21 Q Okay. Got it. That makes sense. And what
22 were the dates at Heartland?

23 A I'm going to say 1995 to 2000.

24 Q Okay. Any more trucking experience prior to
25 1995?

1 A Yes. I briefly owned my -- a -- that same
2 trucking company -- it's a warehousing company,
3 actually, and then I sold that, and that's when I took
4 company jobs.

5 Q Okay. Do you remember -- and I know we're
6 getting a ways back. Do you remember how long you
7 operated that, sort of, warehousing company?

8 A That -- those dates get --

9 Q Yeah.

10 A Fuzzy.

11 Q That's fine. We won't go much further back.
12 Just wanted to get a little bit of your job history.
13 But today you're an agent, an agent contractor with
14 Universal. What are your responsibilities in that
15 role?

16 A Well, customer development and driver
17 development, operating -- you know, the -- in an
18 agent-based company, you are your own operation. The
19 drivers and contractors, they do not run for the
20 corporate office. They run the agents that they're --
21 recruited to. So I participate in the operation,
22 sales to customers, that type of thing.

23 Q Okay. And you mentioned customer
24 development. Can you tell me a little bit, you know,
25 what would you do if I'm "Z" customer and you're

1 trying to establish a relationship? How do you
2 develop customers in your role?

3 A It -- there's a couple of different ways.
4 It's -- in -- today it's mostly electronic and not so
5 much meeting face to face like years ago. The first
6 thing you do is fact sheets with each other to make
7 sure that there's a -- a material fit, and then if
8 that works out, then you to pricing and/or contract
9 status.

10 Q Okay. Is that with every customer?

11 A Yes.

12 Q Okay. And I think you --

13 MR. GILLIAM: What was that? I didn't
14 hear that answer. Is that a yes?

15 THE WITNESS: I'm sorry. Say that
16 again. Which question?

17 MR. GILLIAM: The last one. Did you
18 say that's yes or no? I didn't hear.

19 THE WITNESS: Oh. With the -- yes.
20 Yes.

21 MR. JACKSON: Okay. Got it.

22 Marianne, we're still clear? Is all
23 that coming through still?

24 THE REPORTER: Yes.

25 MR. JACKSON: Okay. Got it. Want to

1 make sure we're getting everything.

2 BY MR. JACKSON:

3 Q So, Mr. Payseur, I think you -- that you
4 said customer development, and then you said something
5 else development. Was that agent development?

6 A No.

7 Q What did you say?

8 A A driver.

9 Q Driver. Okay.

10 A I recruit most of our -- yes. Correct.

11 Q Okay. Tell us a little bit about what
12 driver development entails.

13 A Well, basically it runs a couple of
14 different -- primarily advertising.

15 THE REPORTER: I am unable to --

16 THE WITNESS: Advertising is what our
17 agency does.

18 THE REPORTER: -- catch Mr. Payseur's
19 answer. It's too choppy.

20 MR. JACKSON: Okay. We'll stop. I can
21 ask again, and then we'll see if you're coming
22 through. Okay? Can you hear me still?

23 THE WITNESS: Can you hear me now?

24 Or ...

25 THE REPORTER: That's better.

1 MR. JACKSON: That's better.

2 THE WITNESS: Okay.

3 MR. JACKSON: So I had asked
4 Mr. Payseur to tell us a little bit about what driver
5 development involves.

6 BY MR. JACKSON:

7 Q Could you explain for us?

8 A Sure. Basically there's a couple of
9 different ways that it work -- three different ways, I
10 should say, that it works. Primarily to get new
11 people into the organization, I run ads. Also
12 corporate runs ads. And then if there's a fit, then I
13 interview them over the phone, give them details about
14 what we do, and then supply them with the application
15 via the application link on the website.

16 The other way that we go about that are
17 referrals. Universal has a referral bonus program. I
18 encourage the -- when -- when I say drivers, I'm
19 actually interchanging that with contractors. They're
20 not -- they're independent contractors themselves.
21 And so we encourage the contractors to make use of the
22 referral bonus and refer people that they know to us.

23 And then the -- the third venue is our --
24 the contractors that are in the system that don't have
25 a permanent fit with -- then I search the system for

1 people that are in our area, moving, that type of
2 thing. So that's really the three facets that go on.

3 Q Okay. I appreciate that explanation. You
4 said you're an agent, so you don't report to anyone;
5 is that fair?

6 A Correct. That's fair to say.

7 Q Okay. Is an agent, just being an agent, is
8 that the only role that you've been engaged with
9 Universal?

10 A Yes. Correct.

11 Q Okay. Have you been an agent for any other
12 carriers, Mr. Payseur?

13 A No.

14 Q Are you an exclusive agent for Universal?

15 A In terms of -- I mean, I don't -- in terms
16 of contract, I guess it could go either way, but I am
17 exclusively Universal.

18 Q And I only see, like, the crown of your
19 head. If you could just put your camera down just a
20 little. Tilt it down --

21 A Oh, I'm sorry. Oh, yeah. You know what? I
22 -- I apologize in advance. I've got a condition that
23 if I sit too long, my legs bleed, so I have to get up
24 and stretch every now and then. But yeah. To answer
25 your question, I work exclusively with Universal.

1 Q Okay. And before I ask another question,
2 are you okay? Do you need a break? Do you need to
3 walk around? We don't want you sitting in --

4 A No. I'm fine.

5 Q Okay.

6 A I'm fine. I'm fine. Thanks for asking.

7 Q No problem. So there's no contract that
8 says you're an exclusive agent for Universal; is that
9 fair?

10 A The fairest way to say it is it's been so
11 many years since I read it, but I just don't consider
12 any other company. So ...

13 Q Okay. And just describe, I guess, in your
14 view, what does it mean to be an agent for Universal?
15 What does agency, that kind of ideal, mean to you?

16 A That's a good question. My -- well, in my
17 world or seeing it, we get to run our business the way
18 we want to run it -- obviously regulations, you know,
19 pertaining to safety and, you know, workplace rules
20 and all that. But it's technically my own business,
21 and I can grow it or manipulate it however I need to
22 do it to get to my focus or what I think it should be.

23 So nobody says, "Well, you've got to do this
24 on a particular day" or whatever. It's pretty much
25 how I envision it, and that's the direction I take it.

1 Q Okay. So you mentioned your focus and
2 direction. Universal has no say in that focus and
3 direction is what you're saying?

4 A Yes. Correct.

5 Q Okay. Okay. Are you familiar with a
6 company called Transport Investments, Inc., which is
7 now Bridgeway Connects, Inc.? Have you ever heard of
8 them?

9 A I have.

10 Q What do you know about that company?

11 A I watched over the years. I've seen press
12 releases, but I don't know in depth what they do.

13 Q Okay. So you do not know what business
14 Bridgeway conducts?

15 A Yeah. I do know that portion of the
16 business is truckload trucking.

17 Q Okay. Would you consider Bridgeway to be a
18 competitor to either your agency or Universal?

19 A Yes.

20 Q Okay. And competitor in what way?

21 MR. GILLIAM: Object to form.

22 You can answer.

23 THE WITNESS: You know what? Both of
24 you gentlemen broke up. I'm not sure exactly where we
25 are.

1 BY MR. JACKSON:

2 Q Yeah. I'll ask, because I think John
3 objected, but I'll ask the question again. My
4 question was, a competitor in what way?

5 MR. GILLIAM: And just object to form.
6 You can answer, Ron.

7 THE WITNESS: In that we do similar
8 types of business. Truckload trucking. Maybe their
9 model might be different -- I don't know -- because I
10 don't know how it works. But the general business is
11 similar.

12 BY MR. JACKSON:

13 Q Okay. Would you say that Bridgeway competes
14 for the same customers that Universal and your agency
15 does?

16 MR. GILLIAM: Object to foundation.
17 You can answer.

18 THE WITNESS: You know, I -- I don't
19 know what they do, exactly. I mean, truckload
20 trucking, everybody competes with everybody -- I
21 think, but I don't know how to explain that.

22 MR. GILLIAM: I'm sorry. That cut off
23 again.

24 THE WITNESS: You know what? I need to
25 take a quick break. Yeah. Can -- you know what? I

1 just need to take a quick break about my leg.

2 MR. JACKSON: Yeah. Please. We'll
3 take a break.

4 THE REPORTER: Off the record. Off the
5 record at 2:13.

6 (Off the record.)

7 THE REPORTER: Back on the record at
8 2:20.

9 BY MR. JACKSON:

10 Q Okay. Mr. Payseur, we just took a short
11 break, think about five or six minutes. I was asking
12 you about how Bridgeway is a competitor of either
13 Universal or your agency, and we were asking about
14 customers. And I think my last question was, in what
15 way would Bridgeway be competing for customers, for
16 business? Universal, Bridgeway, they all kind of
17 compete together, correct?

18 A Yes. The same business as truckload
19 trucking. So yeah, they would, you know, be
20 competitors.

21 Q Okay. Fair to say that they -- that
22 everybody competes for drivers as well?

23 A Yes.

24 Q Okay. What about equipment? Like, trailers
25 or things like that.

1 A No. I would not say that's -- no.

2 Q Yeah. Kind of on you to get your own
3 equipment together, right?

4 A No. Actually in the Universal model, the
5 independent contractors have the truck, and Universal
6 corporate supplies our trailers.

7 Q Okay. Let me rephrase what I was asking.
8 Sorry. It's kind of on the, you know, respective
9 company, the respective competitors, to get their own
10 trucks, correct? Or no?

11 A Wait a minute. Say that one more time,
12 please.

13 Q Yes. What I'm asking is, the type of -- say
14 Bridgeway is a competitor; Universal's a competitor.
15 It's on Universal or Bridgeway to get their own
16 equipment, right? To get their trailers, purchase
17 what they need to fulfill, you know, the hauling
18 responsibility.

19 MR. GILLIAM: Object to form.

20 A Yes. Correct.

21 Q Okay. Would you say that everyone competes
22 for, you know, similar lanes, similar routes,
23 depending on where they operate geographically?

24 A Yes.

25 Q Okay. In what part of the country do you

1 really run things for Universal?

2 A Our primary lanes are eastern -- east -- the
3 East Coast. The furthest west we go are Houston and
4 Oklahoma City.

5 Q Okay --

6 A But we do a little -- but we do regular runs
7 to Indiana, but that's ...

8 Q That's about as far west as you go?

9 A Yes. Correct.

10 Q Okay. When you say, "East Coast," now, is
11 that the entire East Coast, you know, from Maine to
12 Florida, or is it more narrow?

13 A No. That -- we can do from Maine to
14 Florida.

15 Q Okay. Do you know Joe Bridge?

16 A I do.

17 Q How do you know him?

18 A Through the agency meetings.

19 Q Agency meetings, where?

20 A Well -- well, every year it's a different
21 place, but Universal has what's called an annual agent
22 meeting, and at certain revenue levels, you get
23 invited to those meetings. And I've met Joe at
24 several of those.

25 Q Okay. When would you say the first meeting

1 that you met him was?

2 A I'm sorry. Say that again.

3 Q When would you say the first agency meeting
4 was where you met him?

5 A You know, I -- I would be speculating. I
6 don't remember.

7 Q Okay. Did you work with him at all?

8 A No. No. As an independent agent we
9 actually just work with ourselves or for ourselves.

10 Q Okay. Did you communicate with him at all
11 in fulfilling what you needed to fulfill with
12 Universal?

13 A Over the course of time, occasionally, yes.

14 Q Okay. When was the last time you talked to
15 Mr. Bridge?

16 A I would say before my heart surgery so at
17 least two and a half, three years, maybe.

18 Q Okay. So two to three years. Is it fair to
19 say -- I mean, that's a while back -- last time you
20 spoke with him would've been 2020?

21 A And that's speculating, but it's -- it's
22 speculating, but I would say -- because a lot of 2020
23 I was not in full capacity, but -- so I would go with
24 that.

25 Q Okay. Fair to say. Do you know if

1 Mr. Bridge is still at or employed with Universal?

2 A I'm sorry. Say that again, please.

3 Q Do you know if Mr. Bridge is still employed
4 with Universal?

5 A I would say no, he's not.

6 Q What makes you think that?

7 A This proceeding.

8 Q Anything else?

9 A What's that, please?

10 Q Anything else?

11 A Oh. Oh. Oh. I see what your question. I
12 did get notification in some way, shape, or form, that
13 I don't remember how, when Mr. Bridge left, but it
14 wasn't any -- if I recall right, it wasn't like a -- a
15 formal announcement or anything like that.

16 Q Okay. Around what time would you have
17 received that notification?

18 A You know what? With all that's gone on
19 healthwise and things, I -- I really don't know.

20 Q Okay.

21 A I would be speculating.

22 Q Okay. So you believe Mr. Bridge is no
23 longer there. Do you have any inclination as to when
24 he left Universal?

25 A Actually, I don't remember the date, but it

1 just -- I just remembered how I found out. I saw a
2 LinkedIn update pop up on my computer screen.

3 Q Okay. What type of LinkedIn update? Who
4 was it from?

5 A Well, just Mr. Bridge announcing his job, or
6 somehow it came up, and there was a post about it.

7 Q Okay. And again, you really don't remember
8 when that was?

9 A No. I do not.

10 Q Okay. In your mind, since whatever time
11 that was that you saw that he was no longer with
12 Universal, has Mr. Bridge reached out to solicit you
13 for any employment with wherever he went?

14 A No.

15 Q Okay. And in fact, you got -- you have not
16 talked to him since, as you say, around 2020, correct?

17 A Correct.

18 Q Okay. We touched on West Marine earlier.
19 Could you tell me again how you're familiar with that
20 company?

21 A Well, yes. I'm familiar with it with the
22 operation that we do there.

23 Q And what's that operation?

24 A We deliver the -- we deliver preloaded
25 trailers to their stores and --

1 Q Okay. And what type of business is West
2 Marine? What do they do?

3 A An aquatic retailer.

4 Q Okay. And when you say, "preloaded
5 trailers," does that mean that West Marine loads their
6 own trailers and you pick them up or drivers pick them
7 up?

8 A Correct. Yes.

9 Q Okay. Do you know how long that operation,
10 as you said, has been going on between Universal and
11 West Marine?

12 A No. I would be speculating.

13 Q Okay. Do you know how that relationship
14 started between Universal and West Marine?

15 A I do not.

16 Q Okay. Aside from yourself, who's involved
17 in maintaining that relationship between Universal and
18 West Marine? And by maintaining -- I guess I'll take
19 that back, so scratch that last line.

20 What is your role in the relationship
21 between Universal and West Marine?

22 A My role is that our agency, you know, you --
23 you spoke to Mr. Dinallo last week. Our agencies, I
24 should say, because we have two separate agencies, are
25 in the business of operating functional duties --

1 virtual connectivity interruption --

2 Q I think you're breaking up, Mr. Payseur.

3 THE REPORTER: Yes. Mr. Payseur,
4 you're going to have to repeat that. Mr. Payseur,
5 your answer cut out. Would you mind repeating?

6 THE WITNESS: We -- I don't know where
7 we left off. I believe you were asking me about my
8 role.

9 BY MR. JACKSON:

10 Q Correct.

11 A Okay. My role is, our two agencies,
12 Mr. Dinallo and mine, we perform the deliveries to the
13 stores for West Marine that come out of their
14 distribution center.

15 Q Okay. And you mentioned Mr. Dinallo. We
16 did talk to him last week. He has his own agency, or
17 do you guys work together with the same agency?

18 A Well, we have two different agent numbers.
19 We work -- so that we -- we split costs, we split
20 commissions, that type of thing. But we have two
21 separate agent numbers.

22 Q Okay. Does Mr. Dinallo work for or with
23 Lakewood Fast Freight?

24 A No.

25 Q Okay. And how long have you and Mr. Dinallo

1 have been working in tandem for that Universal/West
2 Marine relationship?

3 A Well, I would say since 2009, maybe -- well,
4 we didn't do West Marine -- are you asking
5 specifically to West Marine or my relationship with
6 Mr. Dinallo?

7 Q West Marine first, and then we'll get to how
8 long you've known him.

9 A I -- I -- I'm going to say, on and off, six
10 years. We --

11 Q Okay.

12 A We on and off worked with -- you know --
13 worked with West Marine.

14 Q Okay. And you have been kind of engaged
15 with Universal since 2009, right?

16 A Yes. Correct.

17 Q Okay. Six years will take us back to 2016,
18 2017. So in your --

19 A Yes.

20 Q Oh. Go ahead. I'm sorry.

21 A No. No. No. I -- I would say that.

22 Q Okay. So between 2009 and I'll say 2016,
23 were you engaged with West Marine for Universal?

24 A No.

25 Q Okay. Describe for me that working

1 relationship with Mr. Dinallo. How long have you
2 known each other?

3 A Oh. Probably -- I hate to say it -- 25
4 years.

5 Q Okay.

6 A A long time.

7 Q That's almost as old as me so no shame in
8 that.

9 A Yeah. No.

10 Q -- time to know people. So where did you
11 guys meet?

12 A My wife actually used to work for him in
13 another business.

14 Q Okay. What was that business?

15 A Two things. They did -- they sold and
16 serviced a product called Rainbow vacuums, and then
17 Mr. Dinallo was in the water softener business for a
18 while.

19 Q Okay. Got it. Back to West Marine and
20 Universal, who at West Marine -- or scratch that.

21 Who at Universal was involved in kind of
22 managing the relationship between Universal and West
23 Marine? Do you know?

24 A Mr. Bridge.

25 Q Okay. Anybody else?

1 A No. Not that I'm aware of.

2 Q So since Mr. Bridge left Universal, who has
3 been managing that relationship at Universal with West
4 Marine?

5 A Could you define the word "managing"?

6 Q Yeah. So you're the agent who makes the
7 runs or who sets up the runs for the freight --
8 correct? -- on Universal's behalf.

9 A Yes.

10 Q Is that a fair description?

11 A Yes.

12 Q Who at Universal oversees, manages,
13 supervises that relationship between West Marine and
14 Universal?

15 A I -- I would say the greater part of that
16 would be Mr. Dinallo.

17 Q Okay. But Mr. Dinallo's not an employee of
18 Universal, correct?

19 A Right.

20 MR. GILLIAM: Object to form.

21 BY MR. JACKSON:

22 Q Okay. So do you know if anyone at Universal
23 is -- maybe supervising was not a best term -- but who
24 is the point of contact at Universal for West Marine?

25 A Okay. Okay. I understand the question.

1 Mr. Place. Steve Place.

2 Q Okay. Do you know how long Mr. Place has
3 had that responsibility?

4 A Since Mr. Bridge left.

5 Q Okay. Anyone else --

6 A Oh. I take that -- I take that back. There
7 may have been somebody in between there. We need to
8 strike that 'cause I'm not sure exactly how that
9 materialized.

10 Q Okay. So today it's Mr. Place. And your
11 testimony is that it --

12 A Yes.

13 Q It could have been somebody else between the
14 time that Mr. Place took over and Mr. Bridge had left.

15 A Yes.

16 Q Okay. But you don't know who?

17 A I would be speculating.

18 Q Okay. That's fine. So we'll kind of walk
19 through the business bargain between West Marine and
20 Universal since Mr. Bridge left. Do you have any way
21 that you determine, you know, how many loads you're
22 hauling for West Marine on behalf of Universal?

23 A Well, I didn't get a whole lot of
24 opportunity to research that with a short notice of
25 the -- of this proceeding, but I did notice something.

1 Back up until April or May of 2020, the way we did our
2 business with them, all the lanes that we had priced
3 corporately, you know, Universal had priced in their
4 system, we had access to, and at one count I saw up to
5 11 or 12 a week. Now we're relegated to being
6 assigned about three a week.

7 Q Okay. So 11 or 12 a week in 2020. Is that
8 what you said?

9 A From what our -- yes. Up until that point.

10 Q And so up until that point. You mean up
11 until April/May 2020?

12 A Well, April or May of '20. Then it
13 switched. Instead of us having availability of those
14 loads, we were relegated to very specific scheduled
15 loads, so it was probably about six for the next year,
16 and now we're down to three.

17 Q Okay. So just so I understand it, in April
18 and May 2020, you recall you or Mr. Dinallo, whoever
19 was running the loads, you would get 11 to 12 weeks --
20 11 to 12 loads a week from West Marine, correct?

21 A We would get that. Yes. We would get the
22 offers. There were a couple regions that we only get
23 as a backup for them, like the Midwest, but yeah. And
24 then it flipped to where we were just getting assigned
25 loads, and that number has dropped.

1 Q Okay. You mentioned the Midwest region
2 being a backup region for Universal as to West Marine.
3 What do you mean by that?

4 A Well, we focus primarily on the East Coast.

5 Q Okay.

6 A But if they needed help to, like, Ohio,
7 Michigan -- Wisconsin was one of the ones. If we had
8 the capacity or could help them out, we would do that.

9 Q Okay. What other regions were,
10 quote/unquote, "backup regions" that you guys handle?

11 A The Mid-Atlantic, a couple of runs there,
12 like the -- the Maryland/Delaware area. And that's
13 pretty much it. Yeah.

14 Q Okay.

15 A Last -- a year ago we did some into Florida,
16 but we don't see those offerings anymore.

17 Q A year ago, you say, would've been 2022,
18 correct?

19 A Yes. Correct.

20 Q Okay. At the time -- you mentioned this
21 April/May 2020, 11 or 12 a week, kind of, capacity --
22 well, not capacity. Scratch that.

23 Eleven or twenty -- eleven or twelve load a
24 week jobs that you were doing. How many of those do
25 you think would've been in Florida at that time?

1 A At -- at that particular time, we did not --
2 in that -- going that far back, we didn't see the
3 Florida ones. We only saw the Florida ones one
4 season, which was twenty -- if they'd serve -- late
5 '21 into '22.

6 Q Okay. So let me go back to -- we're still
7 in April/May 2020 with 11 or 12 West Marine loads a
8 week. You said eventually that started decreasing,
9 right?

10 A Correct.

11 Q When did we go from 11 or 12 a week to 6, I
12 think is the number that you mentioned -- is that
13 correct? Six a week.

14 A You know what? I haven't had a chance to
15 look into that.

16 Q Do you know about when?

17 A I would be speculating.

18 Q Okay. Would it have been before Mr. Bridge
19 left Universal?

20 A That would be speculating. Again, I haven't
21 had a -- a chance to research that, and I would not
22 have total records for that anyway.

23 Q Right. Right. Okay. So you cannot tell me
24 when -- what year the loads decreased from 11 or 12 a
25 week to 6 a week. You can't tell me that?

1 A I would say between -- yeah -- 2021 into
2 2022.

3 Q Okay. Do you know what month in 2021 when
4 that started to tail off?

5 A No. I would be speculating.

6 Q Okay. In your view what could be the reason
7 for that decrease? Do you know?

8 A I -- I would be speculating. I don't know.

9 Q Is it usual for the load amount to be cut in
10 half, roughly, like that in your experience?

11 A No. In -- no. It is not.

12 Q So it's unusual, but you can't give me any
13 reasons that have been, you know -- what would cause
14 that? Do you know?

15 A I haven't had direct conversation with
16 anybody that would -- would relay the -- I just would
17 not know.

18 Q Okay. Did you ask West Marine why?

19 A I did not.

20 Q Okay. Do you know, who would you have -- if
21 you had to ask, who would be the person that you would
22 ask at West Marine? Do you know?

23 A Yeah. Mr. Braunstein.

24 Q Okay. And who is Mr. Braunstein?

25 A He's their corporate transportation manager.

1 Q Okay. Do you know his first name?

2 A Robert.

3 Q Okay. And have you had any communications
4 with him --

5 A I -- I'm sorry. I -- I cut you off.

6 Q No. You're fine. Go ahead.

7 A The only communication I've had with
8 Mr. Braunstein that I can think of were on two
9 occasions, and they were a weekend operational issue
10 over a trailer.

11 Q Okay. And when would that have been?

12 A And that -- that would've gone back at least
13 a year and a half ago, so 2022'ish.

14 Q Okay. Do you know if that was an e-mail or
15 a phone call? Do you know?

16 A A phone call.

17 Q Okay. Okay. So all you know is sometime in
18 2021, you say, you went -- West Marine -- the loads
19 for West Marine at Universal went from 11 to 12 down
20 to 6, right?

21 A Yes.

22 Q You have any reason to believe that that was
23 due to any actions by Mr. Bridge?

24 A I would be speculating.

25 Q Okay. You just don't know?

1 A I don't know. No.

2 Q Okay. You can't say "yes" or "no." You do
3 not know either way?

4 A I would say I do not know.

5 Q Okay. Do you know whether, you know, driver
6 issues or lack of drivers, anything like that,
7 contributed to that decrease?

8 MR. GILLIAM: Object to form.

9 You can answer.

10 THE WITNESS: Could you say the
11 question again, please?

12 BY MR. JACKSON:

13 Q Yeah. Sure. I can rephrase. We're talking
14 about the decrease in loads from West Marine, right?

15 A Okay.

16 Q Do you think a lack of drivers or any driver
17 issues could have contributed to that decrease?

18 A It did not.

19 Q It did not?

20 A It did not.

21 Q Okay. But you can't tell me any other
22 reasons that you believe would have contributed to the
23 decrease?

24 A Correct.

25 Q Okay. I know you said in 2021, at some

1 point, West Marine loads at Universal went down from
2 11 or 12 to 6 a week, and then -- and correct me if
3 I'm wrong -- you mentioned that there are roughly 3
4 loads a week today; is that right? Or do I have that
5 wrong?

6 A No. You have that correct.

7 Q Okay. When do you recall a decrease from
8 six loads a week to three loads a week?

9 A You know what? I don't have that
10 information.

11 Q Okay. But how did you know it's decreased
12 from six loads a week to three loads a week, if those
13 are the numbers you're giving?

14 A Well, that's -- because that's what we're
15 doing.

16 Q Okay. Again, you don't know why?

17 A I do -- correct. I do not know.

18 Q Okay. And you do not know if that is due to
19 any actions by Mr. Bridge? You can't say "yea" or
20 "nay"?

21 A Correct. I can't say either way.

22 Q Okay. Approximately when did the business
23 transition from six loads a week to three loads a
24 week?

25 A I didn't get a chance to research that, so I

1 -- I -- I couldn't tell you.

2 Q Is there a way you could find out?

3 A Possibly. Yes. If -- if I went back to
4 their schedules, I could probably -- not that I saved
5 every schedule, but I might have some seasonal ones.

6 Q Okay. And you would have that, or does that
7 belong to somebody else, like Universal or
8 Mr. Dinallo?

9 A Well, we -- Mr. Place, Mr. Dinallo, and I
10 get those schedules.

11 Q Okay.

12 A We -- we would know how to plan.

13 Q Okay. So right now we're sitting at three
14 loads a week that you're usually running for West
15 Marine at Universal, correct?

16 A Correct.

17 Q Do you believe that you could handle more
18 loads for West Marine on Universal's behalf?

19 A Yes.

20 Q Okay. I think you mentioned -- and again,
21 correct me if I'm wrong. I don't want to
22 mischaracterize your testimony. But when business was
23 at 11 or 12 loads a week, were you or Mr. Dinallo or
24 another agent seeking those loads from West Marine, or
25 was West Marine, you know, assigning those loads

1 without you having to ask?

2 A No. What were -- those were load offerings
3 that would come to us. And again, I -- it was based
4 on if you were at an accepted pricing range at the
5 time. But those were the offerings that we got.

6 Q So accepted pricing range. What do you mean
7 by that?

8 A In other words West Marine accepted our
9 price structure.

10 Q At the time you were doing 11 to 12 loads,
11 they accepted -- prices?

12 A Well, we were getting offered 11 to 12. I
13 haven't had a chance to research what percentage of
14 those we covered on a regular basis.

15 Q Okay.

16 A But now we -- but now we have no access to
17 11 or 12.

18 Q Okay. I'm just trying to understand the
19 concept of accepted price range. So do you know, is
20 it that West Marine was giving you 11 or 12 loads a
21 week based on this accepted price range?

22 A I -- I don't know their strategy. I -- I
23 don't know.

24 Q West Marine's strategy, you mean.

25 A Right. West Marine strategy.

1 Q Okay. And what about when you went down to
2 six weeks? Again, was that West Marine offering loads
3 or offering six loads a week to you or you asking for,
4 you know, that amount or more?

5 A That's all that we were assigned on the
6 schedules.

7 Q Okay. Do you know if that was based on this
8 accepted price range?

9 A I do not know.

10 Q Okay. What about when we were down to three
11 loads a week?

12 A The same thing. I -- I don't know. That's
13 what we were given on our schedule.

14 Q Okay. Do you know if Universal is the
15 exclusive shipper for West Marine, where they conduct
16 business?

17 A You know what? The last half of that broke
18 up. Could you repeat that, please?

19 Q Yeah. Can you hear me now?

20 A Oh, yeah. Yeah.

21 Q Okay. I asked, do you know if Universal is
22 the exclusive shipper or trucker for West Marine in
23 the area that you run freights for West Marine?

24 A We are not the exclusive.

25 Q Okay. Do you know how many other carriers

1 West Marine uses in that area?

2 A I do not. I do not.

3 Q West Marine's a big company, fair to say,
4 right?

5 A Yes. They are.

6 MR. GILLIAM: Object to form.

7 BY MR. JACKSON:

8 Q Okay. West Marine could use many carriers
9 to service their needs, correct?

10 MR. GILLIAM: Object to form.

11 You can answer, Ron.

12 THE WITNESS: I would say they could.
13 Yes.

14 BY MR. JACKSON:

15 Q Okay. Okay. Do you, as your agency, or do
16 you know if Universal bids for work from West Marine?

17 A I do.

18 Q Do they? You said you do? Or --

19 A I -- I do know that -- that we do -- we did.

20 Q You did bids, correct?

21 A You're asking about bid, correct?

22 Q Yeah. You did bid, or you do bid; is that
23 what you're saying?

24 A We just did a bid.

25 Q Okay. How recently ago?

1 A I didn't get a chance to look that up, but
2 in -- within the last 30 days, I'm going to say.

3 Q Okay. Could you explain that bidding
4 process for me? Do you know?

5 A Yes. It came from a third party. I -- I
6 believe the third party is in the -- one of the West
7 Marine locations from the address if I -- but yeah.
8 It was an electronic bid. Came over in the form of a
9 spreadsheet.

10 Q Okay. And did Universal win that bid?

11 A We did not.

12 Q Do you know why not?

13 A We just got informed that we were not
14 awarded any of the lanes.

15 Q For what period? For how long?

16 A There was not a time frame in that, now that
17 you're asking. I don't remember seeing one.

18 Q Okay. But do you know why Universal was not
19 awarded any of the lanes? Was there any explanation
20 given by West Marine?

21 A No. I believe we just -- from memory,
22 again, short notice, I didn't get a chance to go back
23 and look at documents or look at those. But we just
24 got a notification that we were not accepted.

25 Q Okay. Had happened before? Had Universal

1 bid on work with West Marine and not won it, to your
2 knowledge?

3 A To my knowledge that had not happened.

4 Q Okay. Had Universal bid on work with West
5 Marine and won the work in the past, to your
6 knowledge?

7 A Could you say that again, please?

8 Q Yeah. So I asked, essentially, are there
9 any other instances where Universal bid on work and
10 did not win it? Now I'm asking, are there instances
11 that you're aware of where Universal bid on work and
12 did win the work with West Marine?

13 A I'm still not following. I'm sorry. Say --
14 say that one more time.

15 Q Yes.

16 MR. GILLIAM: He's asking if there were
17 any successful bids.

18 MR. JACKSON: Correct.

19 THE WITNESS: I'm not privileged to
20 those. They're corporate bids that are out there
21 that, you know, I wouldn't know the answer to that
22 totally because I don't see all of those.

23 BY MR. JACKSON:

24 Q Okay. What is your role in the bidding
25 process for West Marine, specifically, or for other

1 customers that you --

2 A Okay. My role is to bid in the lanes that
3 we're comfortable in servicing.

4 Q And again, that would you be Northeast -- or
5 the East Coast.

6 A Or -- yes. Correct.

7 Q Okay. If there's some California/Arizona
8 work out there, you and Universal are not going to bid
9 on that?

10 A I -- well, I can't speak for Universal. I
11 can only speak for my operation.

12 Q But you are not going to bid on that.

13 A Yes. That is correct.

14 Q Okay. Okay. Do you know if Universal
15 received any complaints from West Marine regarding
16 Universal's services?

17 MR. GILLIAM: Object to form.

18 A I am not aware of any.

19 Q Okay.

20 A I'm sorry.

21 Q Are you aware of any concerns West Marine
22 raised regarding Universal services?

23 MR. GILLIAM: Object to form.

24 You can answer.

25 THE WITNESS: I am not aware of any.

1 BY MR. JACKSON:

2 Q Today are you or -- well, I won't ask you
3 about Mr. Dinallo.

4 Are you asking to run more loads for West
5 Marine?

6 A Are -- are we asking? Could you state that
7 again, please?

8 Q Yeah. You've noticed a pattern of it
9 steadily going down over the last few years, correct?

10 A Yes.

11 Q Are you, in your role, doing anything to ask
12 West Marine to run more loads weekly, today?

13 A Well, that's not exactly an answerable. We
14 do make offers to West Marine on a regular basis for
15 more loads. If we think we can -- we know we can make
16 capacity for them, Mr. Dinallo will message
17 Mr. Braunstein and say, you know, we do have capacity
18 for whatever. And he's been turning us down for that.

19 Q Okay. And you said regularly that would
20 happen, correct?

21 A Yes.

22 Q Okay. Mr. Dinallo does that, not you?

23 A Yes.

24 Q Okay. And you said West Marine has been
25 turning you down?

1 A Yes.

2 Q Do you know why?

3 A They just come back with a "no thanks" type
4 answer.

5 Q But do you know why they say that?

6 A I do not know.

7 Q Okay. Any reason to believe that them
8 turning you down is due to any conduct by Mr. Bridge?

9 A I do not know.

10 Q Okay. So West Marine is still sending you
11 Universal loads, just not as many as in the past,
12 correct?

13 A Correct.

14 Q Okay. So the business has not gone away,
15 right?

16 MR. GILLIAM: Object to form.

17 You can answer.

18 THE WITNESS: Well, if we -- at this
19 point it has not gone away.

20 BY MR. JACKSON:

21 Q Okay. And I think earlier you testified
22 that you, you know, you kind of have your own focus
23 and direction for your agency independent of
24 Universal, right?

25 A [No audible response.]

1 Q I didn't hear you. I'm sorry.

2 A -- a minute. I'm sorry. Say that again.
3 Something broke up.

4 Q Oh. So I think earlier you testified that
5 you have your own focus and direction for your agency
6 independent of what Universal thinks; is that right?

7 A Yes. Correct.

8 Q Okay. Of that focus and direction, do you,
9 your agency, have a, you know, particular goal in mind
10 for the West Marine account, whether that be revenue
11 or whatever you earn on running West Marine loads?

12 A I -- I would say revenue and volume because
13 our office, our agency's very good at what we do. We
14 developed a model way back when we started the
15 partnership, and it's worked very well. And we would
16 like to just continually keep filling that model,
17 which is primarily the East Coast.

18 Q Okay. What would you say your goal, whether
19 that's a ballpark number, anything like that, for your
20 agency would be with West Marine on a yearly basis?

21 A I wouldn't -- I wouldn't even know how to
22 speculate a goal like that. We always have a goal of
23 trying to grow each year, and this is, you know,
24 obviously we haven't done that with West Marine in the
25 last year and a half or so.

1 Q Okay. And why is that?

2 A The volume has not been there.

3 Q Okay. And have you done anything with
4 Mr. Braunstein to address the current volume?

5 A I have not.

6 MR. GILLIAM: Just object to -- asked
7 and answered.

8 But you can go ahead.

9 THE WITNESS: Me directly, I have not.

10 BY MR. JACKSON:

11 Q Okay. Let's see. Sitting here today do you
12 have any evidence that Mr. Bridge solicited business
13 from West Marine since he left Universal?

14 A I would not have firsthand knowledge. I do
15 not have knowledge.

16 Q Okay. Do you know what individuals would
17 know that type of thing?

18 A I -- I would be speculating.

19 Q Okay.

20 A I -- I can't say.

21 Q Would it be somebody at Universal?

22 MR. GILLIAM: Object to foundation.

23 THE WITNESS: I'm not --

24 MR. GILLIAM: You can go ahead, Ron.

25 THE WITNESS: I'm speculating that

1 somebody, you know, in corporate may or may not. I
2 mean, but me personally, I wouldn't know firsthand.

3 MR. JACKSON: Okay.

4 John, I'll go through my notes, and
5 feel free if you have any questions for him.

6 MR. GILLIAM: Sure. I'll just wait if
7 you want to see if you have anything else.

8 MR. JACKSON: Okay. Yeah. Give me a
9 few minutes.

10 MR. GILLIAM: All right.

11 THE REPORTER: We'll go off the record
12 at 3:02.

13 (Off the record.)

14 THE REPORTER: Back on the record at
15 3:12.

16 MR. JACKSON: Okay. John, I don't have
17 any questions right now. Feel free.

18 MR. GILLIAM: Okay. Thank you.

19 EXAMINATION

20 BY MR. GILLIAM:

21 Q Ron, just a few follow-up questions for you.
22 You said that before he left, Joe Bridge was in charge
23 of the relationship between Universal and West Marine;
24 is that right?

25 A Yes.

1 Q Did Mr. Bridge have any involvement in
2 setting prices?

3 A He did.

4 Q Would he have known what Universal was
5 charging to West Marine?

6 A Yes.

7 Q And would he have known what lanes Universal
8 was servicing for West Marine?

9 A Yes.

10 Q And how do you know that?

11 A Correspondence, and he got copied in just as
12 Steve Place does on the schedules now.

13 Q Okay. When you said that West Marine was
14 offering 11 to 12 loads per week back in 2020/2021,
15 where were those load or where were those lanes for
16 those loads?

17 A I -- I understand.

18 Q Does that make sense? I'm sorry.

19 A They -- it -- it does. It does. It was
20 mostly -- examples were, like, New Hampshire, Maine,
21 three to four different variations in New Jersey,
22 Connecticut. And then there were a few odd or -- odd
23 -- not -- they're odd to them, but -- was to us -- to
24 Ohio, Wisconsin, and Minnesota.

25 Q Okay. So generally on the eastern part of

1 the United States but primarily the East Coast?

2 A Yes. Correct.

3 Q Okay. Thank you. And in the servicing of
4 the West Marine account on behalf of Universal,
5 between you and Ron, would one of you be the primary
6 contact with West Marine?

7 A I'm --

8 MR. JACKSON: You mean Tony?

9 THE WITNESS: I'm sorry. Could you
10 rephrase that, 'cause you broke up --

11 BY MR. GILLIAM:

12 Q Yeah. In servicing the West Marine account
13 for Universal, did you or Ron primarily have the
14 responsibility of being the point of contact with West
15 Marine?

16 MR. JACKSON: You mean Tony, John?

17 THE WITNESS: Do you mean Tony?

18 MR. GILLIAM: Oh, yeah. Who did I say?

19 MR. JACKSON: Ron.

20 MR. GILLIAM: Oh. I'm sorry. Yeah.

21 BY MR. GILLIAM:

22 Q So, Ron, did -- between you and --

23 A That's okay.

24 Q Between you and Tony, were you primarily the
25 person who would talk with West Marine, or was it

1 Tony, or was that a shared responsibility?

2 A It was Tony.

3 Q Okay. When you were asked earlier about if
4 you had any contact with Mr. Braunstein about why the
5 business was down, was that something that normally
6 would have been your responsibility, or was that more
7 what Tony would do?

8 A That's more with what Tony would do.

9 Q Okay. Did you ever talk to Tony about
10 whether he communicated with West Marine about the
11 decline in volume of loads that your agencies were
12 facilitating for Universal?

13 A Yes. A --

14 Q When did --

15 A A couple -- on a couple of occasions.

16 Q Okay. And did Tony have any information
17 from West Marine, you know, why the volume was down?

18 A He was pricing.

19 Q Okay. Meaning the pricing was not
20 competitive enough for Universal to get those loads?

21 A Well, they -- we were up until -- up to some
22 point, but then I guess it's -- thought they could get
23 it done less, but I did not have a conversation
24 specifically. I just was told -- they -- they said he
25 was just told for price.

1 MR. GILLIAM: Okay. I'm sorry.

2 Marianne, did you catch any of that? I
3 caught, like, half of it.

4 THE REPORTER: I did as well.

5 MR. GILLIAM: Okay.

6 BY MR. GILLIAM:

7 Q Ron, could you restate your answer, please?

8 A Sure. The -- the response that Tony was
9 getting from West Marine was -- was about price, but
10 there weren't specifics about that.

11 Q Okay. And before Mr. Bridge left Universal,
12 do you recall Tony ever mentioning that West Marine
13 was not offering as many loads because of price?

14 A No. I -- I don't think that ever came up.

15 Q Okay. And did Tony, in these conversations
16 that you had with him about the decline in West Marine
17 business, did Tony ever mention that quality of
18 service was an issue for West Marine?

19 A It never came up, and I am copied -- on that
20 stuff, and so I would've seen -- I would've known if
21 we were having service issues.

22 Q Okay. So you have no reason to believe that
23 Universal is getting less business from West Marine
24 due to the services and quality of service that
25 Universal provided to West Marine?

1 A Correct.

2 Q And no one at West Marine has indicated that
3 to you or to Tony, to your knowledge, correct?

4 A That is correct.

5 Q Okay. Do you have any reason to believe
6 that the volume of work -- I'm sorry -- the volume of
7 loads from West Marine had to do with a decline in the
8 volume of loads that West Marine had to ship?

9 A I would not have access to that. Nobody has
10 stated that to be the issue. So.

11 Q Okay. And so, in other words, Tony didn't
12 tell you that West Marine indicated their having a
13 decline in their business, and they don't have as many
14 loads that they need shipped?

15 A Correct. And that -- with any of our
16 customers, that would be a normal conversation, and
17 that has not occurred.

18 Q Okay. So there's no reason that that would
19 not have come up if that was the reason, as far as you
20 know?

21 A Right.

22 Q Okay. And would it make sense, then, to
23 you, if it was not related to service issues or
24 related to a downturn in West Marine's business that
25 the explanation for volume decrease with Universal is

1 that West Marine was sending their loads to other
2 carriers?

3 A Correct. That's reasonable.

4 Q Okay. And when you said you weren't sure
5 exactly when the volume started to decrease for
6 Universal, down from 11 to 6 loads per week, and then
7 from 6 to 3 loads per week, would that decrease in
8 volume correspond with a decrease in revenue?

9 A Oh, yeah. Definitely.

10 Q Okay. And so we --

11 A Because -- definitely it would.

12 Q Okay. And would we be able to track that by
13 looking at revenue to see when that volume decreased?

14 A Yeah. Our corporate does keep those
15 records.

16 Q Okay. You were asked some questions about
17 your goals for your agency and for Mr. Dinallo and his
18 agency, and, in general, you said that the goal is to
19 continue to grow revenue and volume; is that right?

20 A Well, to grow in volume but not necessarily
21 to have a volume number. There's a lot of factors
22 that go into achieving that number. If I was just a
23 pure salesperson, I'd say I want to do -- million a
24 year, but taking it into consideration, operations and
25 everything else, so that's why I gave the answer of

1 growth.

2 Q Okay.

3 A Continued growth.

4 Q So generally continued growth but no
5 specific quantitative targets. Is that fair to say?

6 A Yes. That's fair to say.

7 Q Okay. And have you experienced any
8 substantial or noticeable decline in volume from other
9 customers of Universal other than West Marine?

10 A No, actually.

11 Q What was that?

12 A No. I have not.

13 Q Okay. So the only noticeable difference in
14 the volume of work that your agency and Mr. Dinallo's
15 agency is facilitating for Universal has been with
16 West Marine as the customer?

17 A Correct. Yes.

18 Q Okay. And you mentioned that Mr. Dinallo
19 would reach out to Mr. Braunstein to offer to ship
20 more freight for West Marine; is that correct?

21 A Yes.

22 Q And --

23 A -- we knew that we could provide them more
24 capacity, we did offer.

25 Q Okay. So if you felt like there were times

1 that you had capacity, Tony would reach out and tell
2 Mr. Braunstein, you know, "If you need anything this
3 week, we can cover you"?

4 A Exactly. We would converse internally to
5 make sure that we had a valid, you know, capacity
6 before we offered it, and then Tony would say, you
7 know, we have this, this, and this, you know, that we
8 can do.

9 Q Okay. And other than those efforts, what
10 else has your agency done to make up for the loss of
11 revenue from the decline in volume of West Marine
12 loads?

13 A Well, I -- we've had to refocus. West
14 Marine is a very tricky account, if I should say. You
15 need to be in specific places at specific times. And
16 so we've had to reposition some of the lanes and the
17 customer development that we've gone after to make up
18 for what West Marine revenue does.

19 Q Okay. Have you taken on any new customers
20 in the last 18 months to replace some of that lost
21 revenue?

22 A I got to think about that. I wouldn't
23 say -- nothing jumps out at me except the -- customers
24 we've grown with. The -- the existing customers.

25 Q Okay. So there has been some mitigation

1 through other customers but not necessarily new
2 customers?

3 A I -- I would say yeah.

4 Q Okay.

5 A I would say that.

6 Q In your business are you aware of if it's a,
7 I guess, customary for agents or business development
8 personnel to receive substantial signing bonuses when
9 they move to a different trucking company?

10 A I would say -- I haven't had experience of
11 that myself, so I would say it could be, but I haven't
12 experienced that.

13 Q Okay. When you came over to Universal -- or
14 to start your agency, were you offered a sizable
15 signing bonus?

16 A No. I was not.

17 Q Okay. And you would agree that even though
18 you don't have specific evidence of Mr. Bridge's
19 involvement in the loss of West Marine business that
20 his departure does coincide with when the volume
21 started to decrease for Universal. Would you agree
22 with that?

23 A I would agree with that.

24 MR. GILLIAM: Okay. Thank you,
25 Mr. Payseur. I don't have anything further.

1 MR. JACKSON: Neither do I. Thank you
2 so much, Mr. Payseur, for your time. We really
3 appreciate it.

4 THE WITNESS: No -- no problem.
5 Okay. Thank you, gentlemen.

6 THE REPORTER: And, Mr. Jackson, would
7 you like a copy of this transcript?

8 MR. JACKSON: Yes. Can we get it the
9 same -- expedited that Joe requested last week?

10 THE REPORTER: Yes. The 24th?

11 MR. JACKSON: That is Friday, right?
12 Yeah.

13 THE REPORTER: Okay.

14 MR. JACKSON: Or if you need until
15 Monday, that's fine too.

16 THE REPORTER: I will put it in for
17 this Friday.

18 And, Mr. Gilliam, would you like a
19 copy?

20 MR. GILLIAM: Yes, please.

21 THE REPORTER: Okay.

22 MR. GILLIAM: Ron, you're all set to
23 go.

24 MR. JACKSON: He's already gone.

25 THE REPORTER: Off the record at 3:28.

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(Signature not requested.)
(Whereupon, at 3:28 p.m., the
proceeding was concluded.)

1 CERTIFICATE OF DEPOSITION OFFICER

2 I, MARIANNE HISSONG, the officer before whom
3 the foregoing proceedings were taken, do hereby
4 certify that any witness(es) in the foregoing
5 proceedings, prior to testifying, were duly sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording of
9 said proceedings are a true and accurate record to the
10 best of my knowledge, skills, and ability; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this was taken;
13 and, further, that I am not a relative or employee of
14 any counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in the
16 outcome of this action.



17 MARIANNE HISSONG

18 Notary Public in and for the
19 State of Ohio
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CERTIFICATE OF TRANSCRIBER

I, ERICA MAKUCH, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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